

**Minutes of a Town Council meeting held January 10th, AD 2013 at 7:00 o'clock PM in the Town Council Chambers, Town Hall, 40 Commons, Little Compton, RI. Members present: Charles N. Appleton, Jr., Fred M. Bodington, III, Paul J. Golembeske, Gary S. Mataronas and Robert L. Mushen. Also present: Richard S. Humphrey, Town Solicitor, Fire Chief Petrin and Tom Dunn, Business Manager.**

**Salute to the Flag.**

**A Moment of Silence was observed in memory of Raymond LaFazia, Esq. who was a prominent attorney in Rhode Island as well as a resident and contributor to the Town of Little Compton.**

**Motion made by Councilor Mataronas, receiving a second by Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To approve, as written the December 20, 2012 Town Council meeting minutes.**

**Announcements:**

**Councilor Golembeske inquired as to the status of the temporary buildings to be used by the school department during construction phase of the renovation project of the school. Councilor Mushen noted that the work to prepare the modules for use is moving along well and is anticipated to be capable of accepting students after the**

**February school vacation or February 25.**

**Motion made by Councilor Mataronas, receiving a second by Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To place on file the Building Official's Department Head Reports for October and November 2012.**

**Motion made by Councilor Mataronas, receiving a second by Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To place on file the Maintenance Department Head Report for December 2012.**

**Motion made by Councilor Golembeske, receiving a second by Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To place on file a memorandum received from RI Emergency Management Agency, Floodplain Mapping Coordinator, Jess Stimson informing the Town that the implementation date for each communities Flood Insurance Rate Maps will be extended from July 16, 2013 to September 4, 2013 due in part to Hurricane Sandy damage.**

**Motion made by Councilor Golembeske, receiving a second by Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To approve a request made by the Cystic Fibrosis Foundation Mass/Rhode Island Chapter to reschedule its Cycle for Life Ride from September 21 to September 28, 2013, all**

**previously noted contingencies still remain in effect.**

**Councilor Mushen reviewed a revised draft of a proposed contract for services of a Road Superintendent. Said draft includes specific duties and related compensation rates. It also has a slight reduction in the proposed monthly expenditures with no benefits. Notation was made that no work can be created and implemented by the Road Superintendent without the express prior approval of the Director of Public Works. After a brief review the following was voted:**

**Motion made by Councilor Mataronas, receiving a second by Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To authorize the Council President to sign the following Contract Agreement for the services of a Road Superintendent:**

## **CONTRACT AGREEMENT FOR ROAD SUPERINTENDENT**

**Pursuant to the Little Compton Home Rule Charter of 1 January 1995, the following agreement is entered into between the Little Compton Town Council and Jon Ibbotson, for the position of Road Superintendent.**

**1. Effective Date: 1 November 2012**

**2. Duration of Agreement: Through October 2013. This is an “at will”**

**agreement, terminable by either party at any time.**

**3. Terms of Agreement:**

**a. The Road Superintendent (RS) is an independent contractor who reports to, and receives direction from, the Director of Public Works (DPW).**

**b. Duties of the RS shall be as set forth below and shall include other duties that may be related and assigned by the Town Council through the DPW.**

**c. Compensation for services rendered shall be as specified herein. This contract carries no additional benefits.**

**4. Duties, with compensation as indicated:**

**a. Sanding and snow removal on town roads:**

**1. Directing the operation of town owned or contracted snow plows during snow/ice events, upon notification by the Police Department or the DPW. (\$200 per event)**

**2. Loading of the Town Sanding Truck at the state facility or at the Transfer Station, including providing loading equipment. (\$2,000 per month, November through March)**

**3. Manning the Town Sanding Truck for snow/ice events. (\$150 per event)**

**4. Training of drivers for the Town Sanding Truck. (\$500 per season)**

**5. Cleaning and maintaining the Town Sanding Truck after any service period. (\$200 per event)**

**6. Scheduling and overseeing preventive and corrective maintenance of the Town Sanding Truck. (\$500 per season)**

**7. Reviewing and recommending solutions to provide backup sanding capability, including the disposition of the town's slide-in sander.**

**8. "Off-season" preparation of the Town Sanding Truck for winter operations. (\$1,000 per season)**

**9. Secure storage of the Town Sanding Truck year-round. (\$200 per month)**

**b. Maintenance of town roads:**

**1. Preparing a prioritized maintenance plan for DPW approval for replacing storm drainage pipes across and alongside town roads. (\$500)**

**2. Replacement of storm drainage pipes across and alongside town roads. (Per Town Council approved rate chart)**

**3. Investigate and correct problems with town roads at the direction of the DPW.**

**4. Preparing a prioritized maintenance plan for long-term care of roadside swales on town roads. (\$500)**

**5. Supervise town-contracted paving companies in the resurfacing of town roads, including pre-sweeping, pavement cutting and apron preparation, providing all necessary equipment. (\$75 per hour)**

**5. Reports:**

**a. The RS will submit to the DPW at the end of each month an itemized summary of work performed that month.**

**In witness whereof the Town Council and Jon Ibbotson have caused this agreement to be executed. The Town Council President is duly authorized by the Town Council to sign on behalf of the Town Council.**

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**Jon Ibbotson, Road Superintendent Robert L. Mushen, Town Council President**

**Notary:**

**Date:** \_\_\_\_\_

**The Council considered various contingencies relating to the location of the 2013 Financial Town Meeting with respect to the construction work anticipated in the Wilbur McMahon School. If no conflicts arise then the gymnasium will be utilized, a secondary plan will be to determine if the FTM could be located within a gymnasium or auditorium outside of the town limits, potentially Tiverton Middle or High School, with a final option of erecting a tent on Veteran's Field. Concerns were raised by the Town Moderator, Larry Anderson as to whether the meeting could be held outside of the town limits and whether there would be an additional problem of attaining the quorum if that option is utilized. After consideration the following was voted:**

**Motion made by Councilor Golembeske, receiving a second by Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To schedule the 2013 Annual Financial Town Meeting for Tuesday, May 21, 2013 at 7:00 PM to be held in the Gymnasium/Auditorium of the Wilbur-McMahon School or**

**if such site is not available to be authorize to seek alternative sites and/or venues for the location of said meeting.**

**The series of votes which follow are for boards and commission member seats where only the incumbents have applied for re-appointment.**

**Motion made by Councilor Mataronas, receiving a second by Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To re-appoint Robert Torchia and Patrick Bowen as Trustees on the Little Compton Housing Trust for five year terms which will expire January 24, 2018.**

**Receiving no letters of interest to fill a vacancy of an unexpired term on the LC Housing Trust this seat will continue to be posted as available.**

**Motion made by Councilor Mataronas, receiving a second by Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To re-appoint George E. Goulart, Jr. as the Tree Warden for the Town of Little Compton for the ensuing year.**

**Motion made by Councilor Mataronas, receiving a second by Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To re-appoint Phyllis C. Field**

representing local conservation and Alexander B. Hawes Jr. representing the Sakonnet Point Marina Association as members of the Harbor Commission for three terms which will expire February 1, 2016.

Motion made by Councilor Mataronas, receiving a second by Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To re-appoint Thomas M. Grimes as a member to the Recreation, Conservation and Open Space Committee for a three year term which will expire February 1, 2016.

Motion made by Councilor Mataronas, receiving a second by Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To re-appoint Robert M. Green to the Planning Board for a four year term which will expire February 1, 2017.

Motion made by Councilor Golembeske, receiving a second by Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To re-appoint Richard Castenson, William Richmond and Ryan Smith to the Conservation Commission for three year terms which will expire February 1, 2016.

Receiving no letters of interest to fill a vacancy of an unexpired term on the Conservation Commission this seat will continue to be posted as available.



**Motion made by Councilor Mushen, receiving a second by Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To continue to accept letters of interest for a seven (7) member Charter Review Commission until January 24, 2013.**

**A letter has been received from Larry Anderson expressing concerns relating to the LC Agricultural Conservancy Trust, which is in his opinion a substantial real-estate enterprise. Mr. Anderson stated that he is not requesting for specific actions to be taken, but is simply offering his opinion for future reflection. Mr. Anderson reviewed his points of concern as noted below:**

- Terms and adequacy of “Deed to Development Rights” – concerns that the document used since the inception of the Trust is a one size fit all form and may not speak properly to each properties individual needs.**
- IRS issues involving donated conservation interests - concerns over a document that is mirrored through out all transactions. He is concerned appropriate legal language that clarifies if a transaction is or is not tax deductible per IRS standards and regulations is not part of the form presently used. If a donor claims a tax deduction for the donation he may find out the wording was not appropriately worded. He does not wish to infer the sales are or are not deductible, only that the wording may need to be reviewed.**

**\* Richard Humphrey offered a solution to insert a statement that the Town does not acknowledge whether the transaction is or is not**

**deductible or that another document could be created that met the appropriate language requirements.**

- Management and Stewardship – concerns that the Trust is bound to the property owners of lots with development rights conveyed, to the town's people and to restrictions or covenants within deeds conveying property. With the use of a standard document managing or enforcing stewardship needs could prove to be difficult.**
- Abatement of transfer tax – concerned that this may set a precedent.**

**After a brief review the following was voted:**

**Motion made by Councilor Mushen, receiving a second by Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To vote the following:**

- To ask the Town Solicitor to place a copy of a communication received from Larry Anderson dated December 3, 2012 in his files relating to the LC Agricultural Conservancy Trust and specifically the Rudick vs. Hough/Compton matter**
- To acknowledge that the Town Council President shall converse with the LC Agricultural Conservancy Trust members at their meeting January 14, 2013 regarding Mr. Anderson's concerns**
- To refer to the Charter Review Commission which will be appointed this month to review the subject matter raised in Mr. Anderson's communication.**

**Motion made by Councilor Golembeske, receiving a second by**

**Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To place on file a communication received from Michael E. Walsh, PE, PMP, Project Manager, Programs and Civil Project Management Branch, Dept. of the Army, NE District, Corps of Engineers acknowledging a request made by the Town for an inspection to be conducted on the Federal breakwater at Sakonnet Harbor due to local concerns, and further acknowledging a need for repair to prevent further deterioration, but noting that the Federal budget is severely constrained and this project is unlikely to compete well with other larger commercial port projects.**

**Motion made by Councilor Golembeske, receiving a second by Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To place on file a letter received from the Executive Director of Rhode Island Housing stating that as of January 31, 2013 the Hardest Hit Fund RI will stop accepting new applications; it is further voted to assure a copy of this communication has been copied to the Director of Social Services.**

**Councilor Mataronas noted that he represented the Town Council at the most recent Portsmouth meeting on the proposed Sakonnet River Bridge tolling issue.**

**Motion made by Councilor Golembeske, receiving a second by Councilor Mataronas, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To place on file a memo received**

**from the RI Dept. of Transportation announcing the Environmental Impact Statement Re-evaluation Comment Period for public input on the impacts of tolling on the Sakonnet River Bridge.**

**Motion made by Councilor Golembeske, receiving a second by Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To place on file a copy of the Planning Board's Decision on the Quaker Hill Farm Major Subdivision, David Cutts et als at the preliminary plan stage.**

**Motion made by Councilor Mataronas, receiving a second by Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): That the bills be allowed and ordered paid as follows: \$38,270.03**

**AJ Potter & Sons Inc. - Highway \$97.50**

**LGCD - Auditors \$1,521.00**

**LGCD - Auditors \$1,435.00**

**Petro - 30 Commons \$489.12**

**Petro - 32 Commons \$474.39**

**Petro - diesel fuel \$1,036.47**

**Petro - gasoline \$2,832.76**

**Petro - Maintenance Dept. \$370.18**

**Petro - Public Safety Complex \$1,318.02**

**United Site Services - Transfer Station \$115.00**

**Affiliated Computer Services - RI Historical Records**

**Funds \$1,299.00**

**Affiliated Computer Services - Town Clerk \$24.62**

**NETS - Tax Assessors \$100.00**

**Direct Energy - Street Lights \$10.90**

**Direct Energy - Town Dock Street Lights \$11.59**

**Direct Energy - Public Safety Complex \$732.89**

**University Products - Town Clerk preservation funds \$132.00**

**WB Mason - misc departments \$109.71**

**WB Mason - Treasurer \$36.92**

**Nationalgrid - Public Safety Complex \$665.20**

**Nationalgrid - transfer station \$53.59**

**Nationalgrid - street lights \$1.24**

**Nationalgrid - Town Dock street lights \$1.87**

**Richard S. Humphrey - Town Solicitor \$3,570.00**

**Dave Venancio - Inspectors \$660.00**

**Paychex of New York LLC - Treasurer \$1,172.19**

**William L. Moore - Inspections \$480.00**

**JCHelger Construction - Highway \$496.00**

**Ballard Truck Center - Highway \$1,938.79**

**Home Depot - Maintenance - Public Safety Complex \$25.79**

**Cox Communications - misc. town hall departments \$265.50**

**Cox Communications - computer \$252.00**

**KTR Maintenance & Supply - Public Safety Complex \$1,080.00**

**East Bay Comm. Action Program - Student Asst  
Counselor \$2,381.10**

**NE Association of City & Town Clerks - Town Clerk \$25.00**

**Mike Massa - Harbor Management Funds    \$205.81**

**Anthony DeSisto Associates - Planning Board legal    \$1,037.50**

**AJ Potter & Sons Inc. - Highway    \$292.50**

**Franlart Nurseries Inc. - Hurricane Sandy work    \$1,575.00**

**Everlasting Designs - computer    \$200.00**

**Everlasting Designs - computer January    \$1,600.00**

**Wilbur's General Store - Maintenance    \$39.23**

**Wilbur's General Store - Town Hall    \$16.04**

**John Harris - Drug Forfeiture    \$25.01**

**Thomas Wood - Drug Forfeiture    \$430.00**

**John Faria - Drug Forfeiture    \$166.50**

**Rhode Island Police Chief's Assoc. - Drug Forfeiture    \$100.00    \$721.51**

**Graphix Plus - Police Dept.    \$694.43**

**Sirchie Laboratories - Police Dept.    \$87.64**

**K.T.R. Maintenance - Police Dept.    \$60.00    \$842.07**

**BoundTree Medical - Fire Dept.    \$462.13**

**BoundTree Medical - Fire Dept.    \$64.20**

**Rob's Auto Care Inc. - Fire Dept.    \$392.84**

**Rob's Auto Care Inc. - Fire Dept.    \$89.90**

**Firematic Supply Co Inc. - Fire Dept.    \$300.65**

**Comstar - Fire Dept.    \$632.49**

**Robert W Church - Fire Dept.    \$570.00**

**LG Communications - Fire Dept.    \$309.50**

**Wilbur's General Store - Fire Dept.    \$96.52**

**Pioneer Heavy Duty Parts - Fire Dept.    \$142.31**

**Pioneer Heavy Duty Parts - Fire Dept.    \$16.10**

**Belmont Springs - Fire Dept. \$68.45 \$3,145.09**  
**Richard S. Humphrey - legal services \$246.50**  
**William L. Moore - Highway \$345.00**  
**EastBay Newspapers - Zoning Board \$113.40**  
**EastBay Newspapers - Probate \$80.00**  
**LC School Dept. - Gym Committee \$293.56**  
**LC School Dept. - Gym Committee \$721.48**  
**Fisher Bus Inc. - Senior Busing \$300.00**  
**Susan Sisson - Dir. Social Services \$1,250.00**  
**RI Town & City Clerks Assoc. - Town Clerk \$30.00**

**A short recess was taken to allow those present to leave the Chambers prior to an executive session. The Town Solicitor left the Council Chambers at this time. Minutes for the executive session were taken by the Council President.**

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**Town Clerk**

**At 7:43 PM the Town Council President polled his fellow Councilors as to their wishes to enter into executive session under RI General Laws Section 42-46-5(a)(2) collective bargaining, IAFF Local 3957. All voted in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen).**

**Councilors present during executive session: Charles N. Appleton, Jr., Fred M. Bodington, III; Paul J. Mataronas, Gary S. Mataronas, Robert L. Mushen. Also in attendance: Fire Chief Richard Petrin.**

**The Council President and Fire Chief reviewed a proposal for an amendment to the collective bargaining agreement between the Town of Little Compton and IAFF Local 3957.**

**At 8:04 PM the Town Council President polled his fellow Councilors as to their wishes to come out of executive session under RI General Laws Section 42-46-5(a)(2) collective bargaining, IAFF Local 3957. All voted in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen).**

**Motion made by Councilor Mushen, receiving a second by Councilor Appleton, voting in favor (Appleton, Bodington, Mataronas, Mushen) Councilor Golembeske opposed: To concur with proposed changes to the collective bargaining agreement between the Town of Little Compton and IAFF Local 3957.**

**Motion made by Councilor Mushen, receiving a second by Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To adjourn at 8:05 PM.**

**Robert L. Mushen, Clerk Pro-tem**